

ORDINANCE NO. 2015-06

Amending Smoke Free Air Act to include prohibiting the use of e-cigarettes and electronic delivery devices

Executive Summary

The Jefferson County Board of Health proposes to amend the Jefferson County Smoke Free Air Act, Ordinance No. 2003-06, to include the use of e-cigarettes and electronic delivery devices.

Unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or “e-cigarettes,” closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine, but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA’s testing also suggested that “quality control processes used to manufacture these products are inconsistent or nonexistent.” (“Summary of results: laboratory analysis of electronic cigarettes conducted by FDA,” Food and Drug Administration (FDA), July 22, 2009; <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm> Accessed on: October 22, 2009.)

According to a more recent study, electronic cigarette emissions are made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke. (Fuoco, F.C.; Buonanno, G.; Stabile, L.; Vigo, P., "Influential parameters on particle concentration and size distribution in the mainstream of e-cigarettes," Environmental Pollution 184: 523-529, January 2014.)

Electronic cigarettes produce an aerosol or vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions. Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke.

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 3 of the Jefferson County Smoke Free Air Act is amended as follows:

3. DEFINITION.

~~(a) "Smoking" means burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:~~

- ~~1. A lighted cigar.~~
 - ~~2. A lighted cigarette.~~
 - ~~3. A lighted pipe,~~
 - ~~4. Any other lighted smoking equipment.~~
- ~~[am. 06-08-10, Ord. 2010-10]~~

(a) "Smoking" shall mean inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" shall include the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

(b) "E-Cigarette or Electronic Delivery Device" shall mean any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. "Electronic Delivery Device" shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

Section 2. This ordinance shall be effective after passage and publication as provided by law.

Adopted by the Jefferson County Board of Supervisors this 9th day of June 2015.

s/Jim Schroeder

Jim Schroeder
Chair

ATTEST:

s/Barbara A. Frank

Barbara A. Frank, County Clerk

Published this 12th day of June 2015.

Ayes: **Voice Vote** Noes_____ Abstain_____ Absent_____ Vacant_____

Requested by
Board of Health

06-09-15

Gail Scott & J. Blair Ward: 03-13-15

APPROVED: Administrator: BW; Corp. Counsel: JBW; Finance Director: BL